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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/686,094	10/15/2003	Brent Huntley	HUN-02-01V01	6828

7590 06/29/2005  
 Kenneth C. Brooks  
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 Austin, TX 78766-1417

EXAMINER
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PHAN, HAU VAN

ART UNIT	PAPER NUMBER
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3618

DATE MAILED: 06/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 10/686,094	Applicant(s) HUNTLEY, BRENT	
	Examiner Hau V Phan	Art Unit 3618	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 10 June 2005.
- 2a) ☐ This action is FINAL.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) 6, 15, 18 and 19 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5, 7-14, 16, 17 and 20-23 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |                                                                                                                        |                                                                                         |
|------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                            | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____                                                |

## DETAILED ACTION

### *Election/Restrictions*

1. Applicant's election without traverse of group VI, figures 9-10, claims 1-5, 7-14, 16-17 and 20-23 in the reply filed on 6/10/2005 is acknowledged.
2. Claims 6, 15, 18-19 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected species, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 6/10/2005.

### *Abstract*

3. The abstract of the disclosure is objected to because the phrase "The present invention is" need to delete. Correction is required. See MPEP § 608.01(b).

### *Claim Rejections - 35 USC § 102*

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1-5, 7-14, 16-17 and 20-23 are rejected under 35 U.S.C. 102(e) as being anticipated by Nord (6,783,135).

Nord in figures 9-13, discloses a carrier to translationally displace a child over a surface comprising a frame (30), a wheel assembly (170) coupled to the frame to rotate about a roller axis (a wheel axle can be considered a roller axis), a stop (355, as figure 9) disposed on the frame opposite to the wheel, handle (430) connected to pivot the frame about the roller axis between first and second positions, with the stop resting against the surface in the first position and being spaced-apart therefrom in the second position.

Regarding claim 2, Nord discloses a seat portion (40), which is connected to the frame.

Regarding claim 3, Nord discloses the handle and the frame, which are collapsible.

Regarding claim 4, Nord discloses a fastening system (350), which adapted to secure a child car seat to the frame.

Regarding claims 5 and 22, Nord discloses fastening system including a latching mechanism having a clamp to maintain a clamping force between the child car seat and the frame.

Regarding claim 7, Nord discloses a seat support device (360) adapted to couple with the fastening system, with the frame further including a support bar having a longitudinal axis. The support bar extends between the handle and the roller axis and the seat support device being moveably attached to the support bar to pivot along a pivot axis that extends transversely to the longitudinal axis.

Regarding claim 8, Nord discloses the frame including a support bar having

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a length associated therewith, with the frame including a coupling mechanism to vary the length.

Regarding claims 9 and 23, Nord discloses the handle, which can move between extended and retracted positions, with the handle being positioned against the frame in the retracted position and spaced-apart therefrom in the extended position.

Regarding claim 10, Nord discloses the handle further including a plurality intermediate positions, with the extended position defining a first length for the handle and the retracted position defining a final length for the handle, with each of the plurality of intermediate positions defining an intermediate length, with the intermediate length associated with each of the plurality intermediate positions being greater than the final length and less than the first length.

Regarding claim 11, Nord discloses two wheel assemblies that are mounted relative to the center of gravity in a position to minimize required lifting forces and increase operational mobility.

Regarding claim 12, Nord discloses a carrier to translationally displace a child over a surface comprising a frame (30) having a support bar extending along a longitudinal axis. Nord also discloses a wheel assembly (170) coupled to the frame to rotate about a roller axis, a stop (355) disposed on the frame opposite to the wheel, a handle (430) connected to pivot the frame about the roller axis between first and second positions, with the stop resting against the surface in the first position and being spaced-apart therefrom in the second position. Nord also discloses a seat support device (350) coupled to the support bar, with the seat support device being space-apart from the

roller axis a distance 1 and means connected to the frame for varying a magnitude of the distance

Regarding claim 13, Nord discloses the means for varying further including connecting a pivot between the seat support device and the frame to facilitate movement of the seat support device around a pivot axis, with the pivot axis extending transversely to the longitudinal axis.

Regarding claim 14, Nord discloses the means for varying further including a pin-and-hole system connected between the seat support device and the support bar to moveably connect the seat support device to move along the longitudinal axis.

Regarding claim 16, Nord discloses the means, coupled to the frame, for allowing the child to assume a seated position.

Regarding claim 17, Nord discloses a child car seat having a latching mechanism that includes a clamp to maintain a clamping force between the child car seat and the frame.

Regarding claim 20, Nord discloses two wheel assemblies mounted relative to the center of gravity in a position to minimize required lifting forces and increase operational mobility.

### ***Conclusion***

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Thiele discloses a car seat and stroller assembly, Rogers discloses a child folding carriage.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hau V. Phan whose telephone number is 571-272-6696. The examiner can normally be reached on 7:30AM-4:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christ Ellis can be reached on 571-272-6914. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

*Hau V Phan*  
*6/28/05*

Hau V Phan  
Primary Examiner  
Art Unit 3618